

30 JANUARY 2012

CIVIL SUIT NUMBER [REDACTED]

NAME OF DEFENDANT(S) OR OFFICER (S)

SGT. CHRIS TSOUKALAS #1724	EMP# [REDACTED]	UNIT# 006	DOA 17 MAY 1993
LT. DUANE M. DE VRIES #250	EMP# [REDACTED]	UNIT# 191	DOA 03 OCT 1994
SGT. ANTHONY W. SCHULZ #887	EMP# [REDACTED]	UNIT# 006	DOA 04 NOV 1996

LOCATION OF INCIDENT 7952 SOUTH AVALON AVENUE

DATE & TIME OF INCIDENT MAY 2, 2011 18:56 HRS

NAME OF PLAINTIFF'S ATTORNEY [REDACTED]

ADDRESS [REDACTED]

TELEPHONE [REDACTED]

NAME OF PLAINTIFF (S) VICTIM [REDACTED]

ALLEGATION (S): Victim alleges that without probable cause De Vries pointed his weapon at him and ordered him to go down to the ground. While on the ground he was struck to the head which caused a loss of consciousness, broken tooth and a laceration of his lip. Victim alleges that in an attempt to cover up the excessive force he was falsely charged with possession of cocaine and resisting arrest.

COMPLAINT REGISTER NUMBER 1051572

UNIT ASSIGNED TO INVESTIGATION

INDEPENDENT POLICE REVIEW
AUTHORITY

LOG# 1051572

Attachment# 4

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

CASE NUMBER: [REDACTED]

V.

CITY OF CHICAGO, CHICAGO POLICE OFFICERS
DUANE DE VRIES, Star # 250, CHRISTIAN
TSOUKALAS, Star #1724, and ANTHONY SCHULZ
Star #887.

ASSIGNED JUDGE:

DESIGNATED
MAGISTRATE JUDGE:

TO: (Name and address of Defendant)
CHRISTIAN TSOUKALAS, Star #1724
CHICAGO POLICE HEADQUARTERS
3510 S. MICHIGAN
CHICAGO, IL

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

an answer to the complaint which is herewith served upon you, within 21 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

NOTE: When the print dialogue box appears, be sure to uncheck the Annotations option.

MICHAEL W. DOBBINS, CLERK

— MICHAEL W. DOBBINS, CLERK —
(By) DEI

(By) DEPUTY CLERK

12 JAN 12 16 01
17 JAN 11
DATE
December 30, 2011

DATE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

CASE NUMBER: [REDACTED]

ASSIGNED JUDGE: [REDACTED]

DESIGNATED
MAGISTRATE JUDGE:

12 JAN 12 16 00

V.
CITY OF CHICAGO, CHICAGO POLICE OFFICERS
DUANE DE VRIES, Star # 250, CHRISTIAN
TSOUKALAS, Star #1724, and ANTHONY SCHULZ
Star #887.

TO: (Name and address of Defendant)
ANTHONY SCHULZ, Star #887
CHICAGO POLICE HEADQUARTERS
3510 S. MICHIGAN
CHICAGO, IL

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

an answer to the complaint which is herewith served upon you, within 21 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

NOTE: When the print dialogue box appears, be sure to uncheck the Annotations option.

MICHAEL W. DOBBINS, CLERK

— MICHAEL W. DOBBINS, CLERK —
(By) DEI

(By) DEPUTY CLERK

DATE
December 30, 2011

DATE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

CASE NUMBER: [REDACTED]

V.

CITY OF CHICAGO, CHICAGO POLICE OFFICERS
DUANE DE VRIES, Star # 250, CHRISTIAN
TSOUKALAS, Star #1724, and ANTHONY SCHULZ
Star #887.

ASSIGNED JUDGE:

DESIGNATED
MAGISTRATE JUDGE:

12 JAN 12 16 01
17 JAN 12 09 15

TO: (Name and address of Defendant)
DUANE DE VRIES, Star # 250
CHICAGO POLICE HEADQUARTERS
3510 S. MICHIGAN
CHICAGO, IL

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

an answer to the complaint which is herewith served upon you, within 21 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

NOTE: When the print dialogue box appears, be sure to uncheck the Annotations option.

MICHAEL W. DOBBINS, CLERK

(By) DEI MICHAEL W. DOBBINS, CLERK

(By) DEPUTY CLERK

DATE

December 30, 2011

DATE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

[REDACTED])
Plaintiff,)
v.) No.
CITY OF CHICAGO, and CHICAGO)
POLICE OFFICERS DUANE DE VRIES,)
Star # 250, CHRISTIAN TSOUKALAS,)
Star # 1724, and ANTHONY SCHULZ,)
Star # 887,)
Defendants.) **JURY DEMANDED**

COMPLAINT

NOW COMES the plaintiff [REDACTED] through his attorney, [REDACTED]
[REDACTED] and complaining of the defendants CITY OF CHICAGO, and CHICAGO
POLICE OFFICERS DUANE DE VRIES, Star # 250, CHRISTIAN TSOUKALAS, Star
#1724, and ANTHONY SCHULZ, Star # 887, states as follows:

INTRODUCTION

1. This is a civil action seeking damages against defendants for committing acts under color of law, and depriving plaintiff of rights secured by the Constitution and laws of the United States.

JURISDICTION

2. The jurisdiction of this Court is invoked pursuant to the Civil Rights Act, 42 U.S.C., § 1983; the judicial code 28 U.S.C., § 1331 and 1343 (a); the Constitution of the United States; and pendent jurisdiction as provided under U.S.C., § 1367(a).

PARTIES

3. Plaintiff is a citizen of the United States of America, who currently resides in [REDACTED]
4. Defendants DUANE DE VRIES, Star # 250, CHRISTIAN TSOUKALAS, Star #1724, and ANTHONY SCHULZ, Star # 887, were, at the time of this occurrence, duly licensed Chicago Police Officers. They engaged in the conduct complained of in the course and scope of their employment and under color of law. They are sued in their individual capacities.
5. Defendant City of Chicago, ("City") is a municipal corporation duly incorporated under the laws of the State of Illinois, and is the employer and principal of the police officer defendants.

FACTS

6. On May 2, 2011, Plaintiff [REDACTED] left his cousin's residence at [REDACTED] to attend the funeral service of [REDACTED] at 10133 S. Halsted, Chicago, Illinois.
7. After [REDACTED] burial, Plaintiff [REDACTED] attended the funeral Repast in the 8300 block of South Saginaw in Chicago, Illinois.
8. After the Repast, Plaintiff returned to [REDACTED] in part to watch the Chicago Bulls face the Atlanta Hawks in Game 1 of the Eastern Conference Semi-Finals, tipping off at approximately 7:00 p.m.
9. After arriving at the [REDACTED] residence, Plaintiff went to his vehicle, which was parked on the street near the residence.
10. Plaintiff began to walk back to the residence at [REDACTED]

11. Plaintiff observed what he later learned to be an unmarked Chicago Police vehicle driving quickly down [REDACTED] towards his location.
12. Plaintiff closed the security gate at [REDACTED]
13. Three officers exited the vehicle in what appeared to be full Chicago Police uniforms. All three officers wore white shirts, indicating that they were police supervisors.
14. Without probable cause or any other legal basis, officers demanded that Plaintiff open the security gate.
15. Without probable cause or any other legal basis, Defendant De Vries pointed a pistol at Plaintiff [REDACTED]
16. Without probable cause or any other legal basis, Defendant De Vries, over a series of steps, ordered Plaintiff [REDACTED] down to the ground.
17. Plaintiff [REDACTED] lay on his stomach on the ground with his hands behind his head, pursuant to the unlawful commands of Defendant De Vries, when without probable cause or any other legal basis, one of the Defendants struck Plaintiff [REDACTED] in the head, which strike caused a loss of consciousness, broken tooth, laceration to his lip, and bleeding.
18. In an attempt to cover up for the excessive force and discredit Plaintiff [REDACTED] Defendants falsely and maliciously caused charges to be brought against Mr. [REDACTED] including possession of cocaine and resisting arrest.
19. Each of the individual defendants, in conspiracy with each other, caused the initiation and/or continuation of the false charges against Plaintiff for which the Defendants knew there was no probable cause or other legal basis.

20. In furtherance of this conspiracy, the defendants filled out and filed, or had direct knowledge of, false police reports related to the arrests of the Plaintiff.
21. On May 26, 2011, a preliminary hearing was held before Judge Michelle Jordan of the Circuit Court of Cook County.
22. Judge Jordan made a finding of no probable cause on the charge of possession of cocaine and that charge was thus dismissed in a manner indicative of Plaintiff's innocence.
23. After Judge Jordan's finding of no probable cause, the State of Illinois dismissed the charge of resisting arrest by nolle prosequi, despite the presence of an officer able and willing to testify, thus terminating the charge in a manner indicative of Plaintiff's innocence.
24. All charges against Plaintiff were dismissed in a manner indicative of Plaintiff's innocence.
25. As a direct and proximate result of the malicious actions of the coconspirators, Plaintiff was injured, including loss of freedom, humiliation, embarrassment, the deprivation of his constitutional rights and his dignity, physical injuries, lost time, nightmares, anxiety, and extreme emotional distress.

Count I

Section 1983 Fourth Amendment Violations — Illegal Search and Seizures

26. Plaintiff realleges each of the preceding paragraphs, as if fully set forth herein.
27. The searches and seizures of the plaintiff's person and property performed willfully and wantonly by the Defendants, as detailed above, were in violation of

plaintiff's right to be free of unreasonable searches and seizures under the Fourth Amendment to the Constitution of the United States and 42 U.S.C. § 1983.

28. As a proximate result of the above-detailed actions of defendants, plaintiff was injured, including the deprivation of his liberty and the taking of his person. In addition, the violations proximately caused the plaintiff mental anguish, embarrassment, and humiliation, exposed him to public scandal and disgrace, and caused him to incur various expenses, including but not limited to attorneys' fees, all to Plaintiff's damage.

WHEREFORE, pursuant to 42 U.S.C. § 1983, Plaintiff demands judgment against Defendants for compensatory damages, punitive damages, the costs of this action and attorneys' fees, and any such other and further relief as this Court deems equitable and just.

Count II

42 U.S.C. Section 1983 Violations — Excessive Force

29. Plaintiff realleges each of the preceding paragraphs, as if fully set forth herein.

30. The actions of the Officer Defendants constituted unreasonable, unjustifiable, and excessive force against Plaintiff, thus violating his rights under the Fourth Amendment to the United States Constitution, and 42 U.S.C., Section 1983.

31. As a proximate result of the above-detailed actions of defendants, Plaintiff was injured, including severe pain, physical injury, mental suffering, anguish and humiliation, panic and anxiety attacks, and fear.

WHEREFORE, pursuant to 42 U.S.C. § 1983, Plaintiff demands judgment against

Defendants for compensatory damages, punitive damages, the costs of this action and attorneys' fees, and any such other and further relief as this Court deems equitable and just.

Count III

Section 1983 Fourth Amendment Violations—False Imprisonment

32. Plaintiff realleges each of the preceding paragraphs, as if fully set forth herein.
33. The actions of the individual defendants, described above, whereby defendants knowingly caused plaintiff to be arrested and imprisoned without probable cause or any other justification, constituted deliberate indifference to plaintiff's rights under the U.S. Constitution, thus violating the Fourteenth and Eighth Amendments to the United States Constitution.
34. As a direct and proximate result of these Constitutional violations, plaintiff was caused to suffer great pain, anguish, despair, and the loss of his liberty.

WHEREFORE, pursuant to 42 U.S.C. § 1983, Plaintiff demands judgment against Defendants for compensatory damages, punitive damages, the costs of this action and attorneys' fees, and any such other and further relief as this Court deems equitable and just.

Count IV

42 U.S.C. Section 1983 - Conspiracy to Deprive Constitutional Rights

35. Plaintiff realleges each of the preceding paragraphs, as if fully set forth herein.
36. As described more fully above, the Defendants reached an agreement amongst themselves to frame Plaintiff for a crime he did not commit, and to thereby

deprive Plaintiff of his Constitutional rights, all as described more fully throughout this Complaint.

37. In this manner, the Defendant Officers, acting in concert with each other, have conspired by concerted action to accomplish an unlawful purpose by an unlawful means.
38. In furtherance of the conspiracy, each of the co-conspirators committed overt acts and was an otherwise willful participant in joint activity.
39. As a direct and proximate result of the illicit prior agreement referenced above, Plaintiff's rights were violated, and he suffered damages, severe emotional distress and anguish, and a deprivation of his liberty, as is more fully alleged above.
40. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of plaintiff and others.

WHEREFORE, pursuant to 42 U.S.C. § 1983, Plaintiff demands judgment against Defendants for compensatory damages, punitive damages, the costs of this action and attorneys' fees, and any such other and further relief as this Court deems equitable and just.

Count V

745 ILCS 10/9-102

41. Plaintiff realleges each of the preceding paragraphs, as if fully set forth herein.
42. Defendant City of Chicago is the employer of Defendant Officers.
43. Defendant Officers committed the acts alleged above under color of law and in the scope of their employment as employees of the City of Chicago.

WHEREFORE, should Defendant Officers be found liable on one or more of the claims set forth above, Plaintiff demands that, pursuant to 745 ILCS 10/9-102, the Defendant City of Chicago be found liable for any judgment plaintiff obtains against said defendant, as well as attorneys fees and costs awarded.

Count VI

Malicious Prosecution — State Claim By Plaintiff

44. Plaintiff realleges each of the preceding paragraphs, as if fully set forth herein.
45. By the actions detailed above, the individual defendants knowingly sought to and did in fact maliciously prosecute Plaintiff on false charges for which they knew there was no probable cause.
46. The City is sued in this Count pursuant to the doctrine of respondeat superior, in that defendant officers performed the actions complained of while on duty and/or in the employ of defendant City, and while acting within the scope of this employment.
47. As a direct and proximate result of the malicious prosecution, Plaintiff was damaged, including the value of his lost liberty, exposure to public scandal and disgrace, damage to his reputation, mental and emotional suffering, humiliation, embarrassment, and anguish.

WHEREFORE, Plaintiff demands judgment against Defendants for compensatory damages, punitive damages, the costs of this action and attorneys' fees, and any such other and further relief as this Court deems equitable and just.

Count VII

Intentional Infliction of Emotional Distress – State Claim

48. Plaintiff realleges each of the preceding paragraphs, as if fully set forth herein.
49. The conduct by defendants described herein was extreme and outrageous, exceeding all bounds of human decency.
50. Defendants performed the acts detailed above with the intent of inflicting severe emotional distress on the plaintiff or with knowledge of the high probability that the conduct would cause such distress.
51. As a direct and proximate result of this conduct, plaintiff did in fact suffer severe emotional distress, resulting in injury to his mind, body, and nervous system.
52. The City is sued in this Count pursuant to the doctrine of respondeat superior, in that defendant officers performed the actions complained of in the employ of defendant City, and while acting within the scope of this employment.

PLAINTIFF DEMANDS TRIAL BY JURY.

Respectfully submitted,

By: